

1 CHASOM BROWN, *et al.*,

2 Plaintiffs,

3 v.

4 GOOGLE LLC,

5 Defendant.

6 PATRICK CALHOUN, *et al.*,

7 Plaintiffs,

8 v.

9 GOOGLE LLC,

10 Defendant

11 Case No. [20-cv-03664-LHK](#) (SVK)

12 Case No. 20-cv-05416-LHK (SVK)

13 **ORDER REVISING SEPTEMBER 13,
2021 SCHEDULING ORDER**

14 Re: Dkt. Nos. 269 (Brown); 304 (Calhoun)

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16 On September 13, 2021, the Court issued an order setting a schedule for objections and a
17 hearing on an anticipated Special Master’s report, which at that time was expected to issue on
18 September 16, 2021. *Brown* Dkt. 269; *Calhoun* Dkt. 304 (the “Scheduling Order”). The Special
19 Master has informed the Court that, pursuant to his review of the Parties’ submissions and
20 telephonic proceedings with the Parties, the Parties have agreed to proceed as follows to address
21 issues of production of documents regarding Plaintiffs and potential class members:22

- 23 • **Step 1:** By the morning of September 17, 2021, Google will identify to the Special
24 Master and Plaintiffs all databases and data logs (collectively, “data sources”) that
25 may contain responsive information. For each data source, Google will provide, at
26 a minimum: (1) the name of the database or data log; (2) a description of the data
27 source’s purpose and function; (3) information about the default retention status of
28 the data source (at a minimum, whether it is retained and for how long);
29 (4) information about the current retention status of the data source (at a minimum,

whether it is retained and for how long); and (5) where current retention status differs from default retention status, the date the change was implemented.

In light of this agreement and pursuant to Fed. R. Civ. Proc. 53(c)(1)(B) authorizing the Special Master to take all appropriate measures to perform the assigned duties fairly and efficiently, the Special Master may further direct the Parties as follows for the continuation of the facilitation of production of documents regarding Plaintiffs and potential class members:

- **Step 2:** The Special Master will supervise a meet and confer with the Parties to identify those data sources that potentially contain responsive information that will be subject to searches and production of responsive records and set a deadline for Google to provide information about each selected data source. For each selected data source, Google will provide, at a minimum: (1) the data schema; (2) definitions and descriptions of each field; (3) tool(s) which Google employees (“Googlers”) use to search each data source; and (4) instruction sets and manuals for all tools identified as being used by Googlers to search any data source identified in this step. The Court is informed that the Special Master has directed Google to begin collecting this data mapping information now and Google will provide it to the Special Master and Plaintiffs the day following the identification of data sources in this step.
- **Step 3:** The Special Master will supervise a meet and confer with the Parties to create search strings for each data source and agree upon a production format. The Special Master will officiate and resolve disputes.

It is the expectation of the Special Master and the Court that the productions that will result from this process will be completed by the October 6, 2021 deadline previously ordered by this Court. Accordingly, the Court suspends the deadlines for objections to and a hearing on the Special Master's previously anticipated report as set forth in the Scheduling Order. The Special Master has authority to engage in the agreed-upon steps outlined above, including setting deadlines and directing the Parties' participation in each step of the process, without the need to provide interim reports to the Court. Fed. R. Civ. Proc. 53(c)(1)(B).

1 **SO ORDERED.**

2 Dated: September 16, 2021

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5 SUSAN VAN KEULEN
6 United States Magistrate Judge

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United States District Court
Northern District of California